

DECLARATION AND POWER OF ATTORNEYAttorney Docket No. US3087 (111845-0057)

In re Application of: Terence Tai-Li Hwa, et al.
As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

GENETIC COMPUTING USING COMBINATORIAL TRANSCRIPTION CONTROL, the specification of which:

 is attached hereto.

X was filed on 12/09/2003, as Application No. PCT/US03/38995 (if applicable) and was amended on .

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d), or §365(b) of the foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date	Priority Claimed Under 35 USC §119 or §365	
PCT/US03/38995	PCT	12/09/2003	Yes <u>X</u>	No <u> </u>
			Yes <u> </u>	No <u> </u>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

<u>60/431,904</u>	<u>12/09/2002</u>		
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status: patented, pending, abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact ~~all~~ business in the Patent and Trademark Office connected therewith: Eleanor M. Musick and all attorneys associated with PTO Customer No. 27189.

27189

each having an address at:

PROCOPIO CORY HARGREAVES & SAVITCH LLP

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Direct telephone calls to Eleanor M. Musick at 760-931-9700

1-00 Full name of sole or first inventor: Terence Tai-Li Hwa Citizenship: U.S.A.
Inventor's signature [Signature] Date: March 8, 2004
Residence La Jolla California CA U.S.A.
City State Country
Post Office Address: 707454 Via Pasear San Diego CA 92122 U.S.A.
Street Address City State Zip Code Country

2-00 Full name of second inventor, if any: Ulrich Gerland Citizenship: German
Inventor's signature _____ Date: _____
Residence Munich _____ Germany DEX
City State Country
Post Office Address: Philipp-Foltz Strasse 8 Munich 81737 Germany
Street Address City State Zip Code Country

3-00 Full name of third inventor, if any: Nicolas Buchler Citizenship: U.S.A.
Inventor's signature _____ Date: _____
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City State Country
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Street Address City State Zip Code Country

Full name of fourth inventor, if any: _____ Citizenship: _____
Inventor's signature _____ Date: _____
Residence _____
City State Country
Post Office Address: _____
Street Address City State Zip Code Country

Full name of fifth inventor, if any: _____ Citizenship: _____
Inventor's signature _____ Date: _____
Residence _____
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Post Office Address: _____
Street Address City State Zip Code Country

_____ Additional inventors are named on separately numbered sheets attached hereto.

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Full name of sole or first inventor: <u>Terence Tai-Li Hwa</u>	Citizenship: <u>U.S.A.</u>
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Full name of second inventor, if any: <u>Ulrich Gerland</u>	Citizenship: <u>German</u>
Inventor's signature <u>U. Gerland</u>	Date: <u>March 7th, 2004</u>
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Full name of third inventor, if any: : <u>Nicolas Buchler</u>	Citizenship: <u>U.S.A.</u>
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Full name of fourth inventor, if any: _____	Citizenship: _____
Inventor's signature _____	Date: _____
Residence _____	_____
City State	Country
Post Office Address: _____	Street Address City State Zip Code Country

Full name of fifth inventor, if any: _____	Citizenship: _____
Inventor's signature _____	Date: _____
Residence _____	_____
City State	Country
Post Office Address: _____	Street Address City State Zip Code Country

_____ Additional inventors are named on separately numbered sheets attached hereto.

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Full name of sole or first inventor:	<u>Terence Tai-Li Hwa</u>	Citizenship:	<u>U.S.A.</u>
Inventor's signature	_____	Date:	_____
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Full name of second inventor, if any:	<u>Ulrich Gerland</u>	Citizenship:	<u>German</u>
Inventor's signature	_____	Date:	_____
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Full name of third inventor, if any: :	<u>Nicolas Buchler</u>	Citizenship:	<u>U.S.A.</u>
Inventor's signature	<u>Nicolas Buchler</u>	Date:	<u>March 4th, 2004</u>
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	Street Address City State Zip Code Country		

Full name of fourth inventor, if any:	_____	Citizenship:	_____
Inventor's signature	_____	Date:	_____
Residence	_____	_____	
	City State	Country	
Post Office Address:	_____	_____	_____
	Street Address City State Zip Code Country		

Full name of fifth inventor, if any:	_____	Citizenship:	_____
Inventor's signature	_____	Date:	_____
Residence	_____	_____	
	City State	Country	
Post Office Address:	_____	_____	_____
	Street Address City State Zip Code Country		

_____ Additional inventors are named on separately numbered sheets attached hereto.